THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No. 25375 OF 2006

Dated 6th Day of December, 2006

Between:
N.Sambaiah

… Petitioner

And

The Andhra Pradesh State Road Transport Corporation, represented by its Depot Manager, Warangal District.

…Respondent.

ORAL ORDER:

The petitioner, who is working as Assistant Depot Clerk in

Hanamkonda Depot of A.P.State Road Transport Corporation, Warangal, has filed this writ petition questioning the orders dated 9.10.2006 as illegal and arbitrary and to set aside the same.

In the order of suspension, it is alleged that the petitioner performed the duty of Depot Clerk (Earnings) from 20.00 hours to 04.00 hours on 29/30-9-2006 and he had negligently kept the cash, which was received in his shift, in an unlocked wooden almirah, which resulted in theft of the said amount.

It is submitted by the learned counsel for the petitioner that he is not responsible for the same, and, in spite of the fact that preliminary enquiry was conducted in that regard the petitioner is placed under suspension.

The order impugned herein states that preliminary enquiry was conducted and report was submitted holding the petitioner responsible for the occurrence of the theft. Whether there is any negligence constituting misconduct on the part of the petitioner or not is a matter for enquiry by the enquiring authority and the same cannot be gone into in this writ petition so as to interfere with the order of suspension, at this stage. In that view of the matter, I am not inclined to interfere with the impugned order. However, as it is stated that charge-sheet was issued to the petitioner on the same day on which order of suspension was passed and the petitioner filed his explanation to the said charge-sheet, I deem it appropriate to direct the completion of the enquiry within a period of three months from today.

Subject to above direction, the writ petition is disposed of. No costs.

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6.12.2006

R.SUBHASH REDDY, J.

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